

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT B. CIARPAGLINI,

Plaintiff,

v.

ORDER
07-C-460-S

COREY MUELLER and JOE HALL,

Defendants.

On , 2007 judgment was entered in the above entitled matter dismissing plaintiff's complaint without prejudice for his failure to exhaust his administrative remedies. Plaintiff moves reconsideration alleging that he has exhausted his administrative remedies.

Pursuant to a settlement agreement plaintiff may only have two active inmate complaints at one time. Plaintiff requested that one complaint be withdrawn in order that he could pursue his inmate complaint in this matter. He stated as follows: "In any event, I want to withdraw one of my pending inmate complaints so the enclosed complaint can be filed. I don't care which one you withdraw." According to the agreement it is plaintiff's responsibility to designate the complaint he wishes to withdraw which he did not do.

Plaintiff has failed to exhaust administrative remedies that were available to him. Accordingly, plaintiff's motion for reconsideration will be denied.

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration is DENIED.

Entered this 12th day of October, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge